

Amendment No. 1 to SB0263

Bailey  
Signature of Sponsor

**AMEND Senate Bill No. 263**

**House Bill No. 82\***

by deleting the amendatory language of SECTION 1 and substituting:

(d)

(1) If an employee receives a settlement, judgment, or decree under this chapter that includes the payment of medical expenses, and the employer or workers' compensation carrier wrongfully fails to reimburse the employee for any medical expenses actually paid by the employee within sixty (60) days of the settlement, judgment, or decree, or wrongfully fails to provide reasonable and necessary medical expenses and treatment, including failure to reimburse the employee for reasonable and necessary medical expenses, then after receiving actual notice of the obligation to provide the medical treatment and a reasonable opportunity to obtain the information and documentation necessary to pay medical expenses or provide medical treatment, the employer or workers' compensation carrier is liable, in the court's discretion, to pay the employee a sum not exceeding twenty-five percent (25%) of the expenses, in addition to the amount due for medical expenses paid. The court may exercise this discretion only if the court finds that the refusal to pay the claim inflicted additional expense, loss, or injury upon the employee. For purposes of this subsection (d), "wrongfully" means erroneously, incorrectly, or in a manner otherwise inconsistent with the law or facts.

(2) An employer or workers' compensation carrier is not liable under subdivision (d)(1) if payment of the subject medical expense is issued, or

reasonable and necessary medical treatment is authorized, within sixty (60) days of the employer's or workers' compensation carriers' receipt of information and documentation reasonably necessary to issue payment of the subject medical expense or determine liability for reasonable and necessary medical treatment.

**AND FURTHER AMEND** by deleting the amendatory language of SECTION 2 and substituting:

(1) The reasonableness of attorney's fees for services to employees under this chapter is subject to the approval of the workers' compensation judge before whom the matter is pending; provided, that attorney's fees must not exceed twenty percent (20%) of the amount of the recovery or award to the injured worker, or in cases governed by § 50-6-207(4), twenty percent (20%) of the first four hundred fifty (450) weeks of the award; provided, further, that such fees must be paid by the party employing the attorney. All attorney's fees for attorneys representing employers are subject to review for reasonableness of the fee and are subject to approval by a workers' compensation judge when the fee exceeds ten thousand dollars (\$10,000).